

STATE ALLOCATION BOARD

1130 K Street, Suite 400
Sacramento, CA 95814
<http://www.dgs.ca.gov/opsc>



Date: March 19, 2004

To: Interested Parties

Subject: **NOTICE OF THE STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE MEETING**

Notice is hereby provided that the State Allocation Board Implementation Committee will hold a meeting on Thursday, April 1, 2004 (9:30 am - 3:30 pm) at 1020 N Street, (Legislative Office Building) in Conference Room 100, (Sacramento, CA).

The Implementation Committee's proposed agenda is as follows:

1. Convene Meeting
2. Clean School Restrooms (SB 892 Murray and AB 1124 Nunez)
Discussion of the complaint process relating to the sufficiency and availability of restroom facilities in all K-12 public schools, and presentation of the proposed amendments to the Deferred Maintenance Program regulations, as well as certifications pursuant to AB 1124.
3. School Facility Program Modernization (SB 15 Alpert and AB 1244 Chu)
Discussion of proposed regulatory amendments to permit an additional apportionment for the modernization of permanent facilities every 25 years or portable facilities every 20 years.

Any interested person may present public testimony or comments at this meeting regarding the issues scheduled for discussion. Any public input regarding unscheduled issues should be presented in writing, which may then be scheduled for a future meeting. For additional information, please contact Portia Jacobson at (916) 445-3159.

A handwritten signature in black ink, appearing to read "Bruce B. Hancock", with a long horizontal flourish extending to the right.

BRUCE B. HANCOCK
Chairperson

BBH:LM:pj

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State Allocation Board
IMPLEMENTATION COMMITTEE
PENDING ITEMS LIST

April 1, 2004

A. FUTURE ITEMS

- Increased Capacity for Replaced Facilities; SFP Regulation Section 1859.73.2
- SFP Enrollment Augmentation; Dwelling Units
- Conversion of Commercial Buildings into Schools

B. SUSPENDED ITEMS

- None

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE
April 1, 2004

CLEAN SCHOOL RESTROOMS
(SB 892 Murray)

BACKGROUND

Senate Bill (SB) 892, chaptered on October 12, 2003, added Section 35292.5 to the Education Code (EC). With an effective date of January 1, 2004, EC Section 35292.5 contains requirements relating to the sufficiency and availability of restroom facilities in all public and private schools.

SB 892 requires the State Allocation Board (SAB) to determine a district's compliance with EC Section 35292.5, and directs the SAB to deem the district ineligible for state matching funds for deferred maintenance (DM) projects if, after receiving a reasonable opportunity to fix the problem and a 30-day notice of violation, the restroom facilities remain in violation of the law. In order to fulfill its responsibility to administer the law and comply with the law's effective date of January 1, 2004, the Office of Public School Construction (OPSC) expedited the development of a mechanism by which complaints could be received and processed.

DISCUSSION

The internal and public processes for complaint response and district notification were discussed at the February 6, 2004 and March 5, 2004 meetings of the Implementation Committee. At those meetings, staff presented its proposed processes for addressing restroom maintenance complaints, and presented copies of the complaint and response forms, a flow chart illustrating the proposed complaint process, and timeline options for the withholding of deferred maintenance funds. Based upon discussions from those meetings, staff has implemented numerous revisions to the OPSC complaint process. Staff and the committee agreed to reassess the OPSC complaint processes in approximately 9-12 months. This meeting will serve as a forum in which to discuss:

- Proposed complaint process revisions to further encourage local level resolution.
- Proposed amendments to the DM regulations that would implement the bill's requirements.

Local Level Resolution

The OPSC is concerned with maintaining its role as a public service entity and its ability to provide the public with a standardized, universally accessible process for complaint response. However, there is general consensus from staff and the committee that complaints are handled more expeditiously at the local level. As such, staff is currently working on final revisions to the OPSC Web site and complaint form in order to further encourage complainants to first communicate the complaints to local complaint response resources.

Included in Part II Directions and on Web site

Since correction of your complaint in a timely manner is very important, you are encouraged to share the details of restroom deficiencies with the school's principal, your school district, and your school board. You are free to file your complaint with the OPSC. However, first communicating your complaint at the local level may serve to further expedite the complaint's resolution.

Local Level Resolution (cont.)

Included on top of Complaint form and on Web site:

School districts found to be in violation of EC Section 35292.5 are ineligible for State deferred maintenance apportionments. Deferred maintenance apportionments provide State matching funds to assist school districts with expenditures for major repair or replacement of existing school building components, including roofing, plumbing, heating, air conditioning, electrical systems, interior/ exterior painting and floor systems.

Amendments to DM Regulations

Regulation Section 1866.4.2 Calculation of Basic Grant and Apportionment of Basic Grant is amended to explain that an item will be presented to the SAB once per fiscal year to determine if districts are in violation of EC 35292.5. Districts who do not correct a violation within the 30 day notice period will not receive their basic grant, and the funds will be distributed to the other eligible districts.

Regulation Section 1866.5.2 Determination of Extreme Hardship Grant Amount and District Contribution is amended to explain that a district with an extreme hardship project, who has had their basic grant deemed ineligible pursuant to SB 892, will be responsible to contribute an amount equal to the district and state share (or two times the maximum basic grant).

Staff has prepared the following:

- √ Proposed regulatory changes to implement the bill's requirements as shown on Attachment A.
- √ A copy of the law text as shown on Attachment B.
- √ A reference copy of the Complaint Process Flow Chart as shown on Attachment C.

Other Issues

AB 1124, chaptered on September 12, 2003, added EC Sections 17070.755 and 17584.3. This bill requires a priority for the use of restricted maintenance and deferred maintenance funds to be used to ensure facilities (not limited to restrooms) are functional and meet local hygiene standards. A copy of the bill is shown on Attachment D.

The *Application for Funding*, Form SAB 50-04, will be amended to include an additional certification that covers the provisions of AB 1124 as follows:

The district has made a priority of the funds in the restricted maintenance account, established pursuant to EC Section 17070.75, to ensure that facilities are functional and meet local hygiene standards.

The *Certification of Deposits*, Form SAB 40-21, will be amended to include an additional certification that covers the provisions of AB 1124 as follows:

The district has made a priority of the deferred maintenance basic grant, appropriated pursuant to EC Section 17584, to ensure that facilities are functional and meet local hygiene standards.

RECOMMENDATION

Finalize the discussions and proceed with the regulatory changes for presentation to the State Allocation Board.

ATTACHMENT A

Title 2. Administration
Division 2. Financial Operations
Chapter 3. Department of General Services
Subchapter 4. Office of Public School Construction
Group 1. State Allocation Board
Subgroup 12. State School Deferred Maintenance

Article 1. Definitions

Amend Section 1866. Definitions.

- (a) In connection with the administration of the provisions of California Education Code (EC) Sections 17582 through 17588 and 17591 through 17592.5, inclusive, of Article 1, Chapter 4, Part 10.5, Division 1, Title 1, and for the purpose of these regulations, the terms set forth below shall have the following meanings:
- “The Act” means EC Sections 17582 through 17588 and 17591 through 17592.5, above.
- “Board” means the State Allocation Board.
- “Complete Application” means a district has submitted with the application, all documents to the Office of Public School Construction (OPSC) that are required as identified in the General Information Section of the *Extreme Hardship Funding Application*, Form SAB 40-22 (New 04/02) and the OPSC has accepted and completed a preliminary approval review.
- “Critical Project” shall have the meaning set forth in Section 1866.5.
- “Deferred Maintenance” means the repair or replacement work performed on school facility components that is not performed on an annual or on-going basis but planned for the future and part of the *Five Year Plan*, Form SAB 40-20 (New 04/02).
- “District or Applicant School District” shall mean an entity identified in Section 1866.1(a).
- “Division of the State Architect” means the State office within the Department of General Services that reviews school building plans and specifications for structural, fire safety, and access compliance.
- “Extreme Hardship Grant” means a grant provided by the State to complete the critical project, as provided by EC Section 17587 and Regulation Section 1866.5.2.
- “Financial Test” shall have the meaning set forth in Section 1866.5(a).
- “Five Year Plan” shall have the meaning set forth in Section 1866.4.
- “Form SAB 40-20” means the *Five Year Plan*, Form SAB 40-20 (New 04/02), which is incorporated by reference.
- “Form SAB 40-21” means the *Certification Of Deposits*, Form SAB 40-21 (New 04/02), which is incorporated by reference.
- “Form SAB 40-22” means the *Extreme Hardship Funding Application*, Form SAC 40-22 (New 04/02), which is incorporated by reference.
- “Form SAB 40-23” means the *Fund Release Authorization*, Form SAB 40-23 (New 04/02), which is incorporated by reference.
- “Form SAB 40-24” means the *Expenditure Report*, Form SAB 40-24 (New 04/02), which is incorporated by reference.
- “Matching Funds” means an amount of funds the district deposits into the “district deferred maintenance fund” to receive either a maximum or prorated basic grant.
- “Maximum Basic Grant” means an amount of State funds apportioned by the Board for purposes of the *Five Year Plan*, Form SAB 40-20 (New 04/02). This amount is based on the formula specified in EC Section 17584(b).
- “Prorated Basic Grant” means the prorated amount of the maximum basic grant apportioned by the Board due to insufficient funding for the Deferred Maintenance Program (DMP).
- “Office of Public School Construction (OPSC)” means the State office within the Department of General Services that assists the Board as necessary and administers the DMP.
- “OPSC Deferred Maintenance Extreme Hardship Workload List” means a list of extreme hardship funding applications authorized by EC Section 17587 for which the district has submitted all necessary application documents to the OPSC that are required to be submitted as identified in the General Information Section of the *Extreme Hardship Funding Application*, Form SAB 40-22 (New 04/02) but not yet included on the DMP Extreme Hardship Unfunded List.
- “OPSC Extreme Hardship Unfunded List” means a information list of unfunded critical projects awaiting an Extreme Hardship Grant under the provisions of the DMP.
- “OPSC Modernization Workload List” means a list of School Facility Program (SFP) modernization projects for which the district has submitted all necessary application documents to the OPSC that are required to be submitted as

identified in the General Information Section of Form SAB 50-01, *Enrollment Certification/Project*, (Revised 07/01); Form SAB 50-02, *Existing School Building Capacity*, (Revised 07/01); Form SAB 50-03, *Eligibility Determination*, (Revised 07/01); and Form SAB 50-04, *Application for Funding*, (Revised 09/01), under the SFP.

“Repair” means the work necessary to restore deteriorated or damaged building systems such as plumbing, heating, air conditioning, electrical, roofing, flooring, and wall systems. The exterior and interior painting of school buildings, asphalt paving, the inspection, sampling and analysis of building materials to determine the presence of asbestos-containing materials, the encapsulation or removal of asbestos-containing materials or such other items as may be approved by the Board, to such condition that the school buildings may be effectively utilized for their designated purposes.

“Replacement” means the work necessary to replace those school building systems itemized in “Repair” above, which are either worn out or obsolete to the extent that they no longer effectively perform their functions.

“Routine Maintenance” means the school facility component work performed on an annual or on-going basis each year to keep building facilities in proper operating condition.

“School Facility Program (SFP)” means the Leroy F. Green School Facilities Act of 1998.

“SFP Modernization Unfunded List” means an information list of unfunded modernization projects approved under the provisions of the SFP.

“Total Estimated Cost” means an estimated cost of the critical project on which the extreme hardship grant is calculated.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17582-17592.5, Education Code.

Article 2. Eligibility to Receive DMP Grants

Amend Section 1866.1. Prerequisites to Receiving a Basic or Extreme Hardship Grant.

The prerequisites to receiving a grant, as provided by the Act and these regulations, include the following:

- (a) Operate as one of the following:
 - (1) A public elementary, unified, or high school district that serves any combination of kindergarten through twelfth grade pupils; or
 - (2) A County Superintendent of Schools (CSS) that serves any combination of kindergarten through twelfth grade pupils; or
 - (3) A regional occupational center identified in EC Section 17592.5; and
- (b) That the governing board of an applicant school district has established a restricted fund to be known as the “district deferred maintenance fund” for the specific purposes as specified in EC Section 17582(a) and these regulations; and
- (c) That the applicant school district has a Board approved *Five Year Plan*, Form SAB 40-20 (~~New 04/02~~) complying with Section 1866.4, which includes the fiscal year of funding.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17582, 17584, 17587, 17591, 17592.5, Education Code.

Article 3. DMP Application Procedure

Amend Section 1866.2. DMP Application for Basic Grant.

An eligible district seeking funding for a DMP Basic Grant shall complete and file with the OPSC, the *Five Year Plan*, Form SAB 40-20 (~~New 04/02~~), which is incorporated by reference.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 17591, Education Code.

Amend Section 1866.3. DMP Application for Extreme Hardship Grant.

An eligible district seeking funding for a DMP extreme hardship grant shall complete and file with the OPSC, the *Extreme Hardship Funding Application*, Form SAB 40-22 (~~New 04/02~~), which is incorporated by reference.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 17587, Education Code.

Article 4. Basic Grant Request and Apportionment

Amend Section 1866.4. Five Year Plan Requirements.

EC Section 17591 establishes the need of filing with the Board a five year plan for deferred maintenance needs of the district. The ~~Five Year Plan~~, Form SAB 40-20, (~~New 04/02~~) is a summary of proposed projects the district plans on completing annually over the next five fiscal years using the basic grant. The fiscal year the plan commences is determined by the fiscal year in which it was filed. New and revised plans are accepted on a continuous basis for the current fiscal year up to the last working day in June. Revisions are not accepted for prior fiscal years.

- (a) Under the following circumstances, a revised plan would need to be submitted to the OPSC:
- (1) The plan has expired.
 - (2) Work will be performed that is not listed on the plan or at a school not listed on the plan.
 - (3) If work listed on the plan was performed using an SFP modernization or Federal Renovation Program (FRP) grant, pursuant to Section 1866.13.
- (b) A district submitting a new plan or revising a plan under (a) above must be able to certify that the plans and proposals for expenditures of funds, listed on the ~~Five Year Plan~~, Form SAB 40-20 (~~New 04/02~~) submitted to the OPSC, were discussed at a public hearing at a regularly scheduled meeting with the district's governing board, pursuant to EC Section 17584.1(a).

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17582, 17584.1, 17591, Education Code.

Amend Section 1866.4.1. Permissible Use of the DMP Basic Grant.

The district may include on its ~~Five Year Plan~~, Form SAB 40-20 (~~New 04/02~~) a repair or replacement project, provided it meets all the following criteria:

- (a) Conforms to the deferred maintenance activities authorized in EC Section 17582(a) or these regulations, which has approached or exceeded its normal life expectancy or has a history of continued repairs indicating a shortened life expectancy, and;
- (b) Performed at a district owned facility, which is used for school purposes. A district that is currently leasing relocatables from the State Relocatable Classroom Program may include deferred maintenance work on the ~~Five Year Plan~~, Form SAB 40-20 (~~New 04/02~~) for these facilities.
- (c) Facilities owned by a CSS or leased facilities that are required to be maintained by the CSS, which it is authorized to use pursuant to Article 3 commencing with EC Section 17280, Chapter 3, may be included on the ~~Five Year Plan~~, Form SAB 40-20 (~~New 04/02~~).

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17280, 17582 and 17591, Education Code.

Amend Section 1866.4.2. Calculation of Basic Grant and Apportionment of Basic Grant.

After ~~July 1~~ December 1 of each fiscal year, the Board shall apportion to districts a DMP basic grant for the preceding fiscal year ~~DMP~~. A maximum basic grant is calculated as stated for each of the following:

- (a) School districts and regional occupational centers using the formula set forth in EC Section 17584(b).
- (b) CSSs who meet the provisions of EC Sections 17584, 17591 and, if applicable, 17585, an amount equal to one dollar (\$1.00) for each one dollar (\$1.00) of local funds up to a maximum of one-half percent of the total general funds and adult education funds budgeted by the CSSs for the fiscal year, exclusive of any amounts budgeted for capital outlay,

debt service or revenues that are passed through to other local educational agencies, to the extent of funds legally available pursuant to EC Section 17080.

If sufficient State funding is not available, the Board shall apportion to all districts except those that are receiving a basic grant with an extreme hardship grant, a prorated amount of the maximum. This amount is known as the prorated basic grant.

After July 1 each fiscal year but prior to the annual basic grant apportionment, any district with an unresolved complaint, pursuant to EC 35292.5, will be presented to the Board. If the Board determines that a violation has occurred, the district will receive a 30 day notice to correct the violation. Districts who fail to correct the violation within 30 days of the date of the written notice shall be deemed ineligible for the basic grant and the funds may be distributed to other eligible districts.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 2553 and 17584, Education Code.

Amend Section 1866.4.3. District Deposit of Matching Share.

To receive the basic grant pursuant to Section 1866.4.2, districts are required to deposit a matching share into their District Deferred Maintenance Fund established pursuant to EC Section 17582(a). The State will match this amount dollar-for-dollar not to exceed the basic grant apportioned by the Board. The district's deposit must be a cash contribution from any non-restricted fund, unmatched carryover pursuant to Section 1866.4.4, or from the district's restricted Ongoing and Major Maintenance Account.

If the district has established an Ongoing and Major Maintenance Account under the provisions of EC Section 17070.75(b)(1), any annual deposits in excess of 2 ½ percent into that fund may be used towards the district's matching share. Districts may either:

- (a) Report the excess amount in the Ongoing and Major Maintenance Account being used towards the match on the ~~Certification of Deposits~~, Form SAB 40-21 (New 04/02), which is incorporated by reference. These funds are not available for eligible deferred maintenance projects listed on the ~~Five Year Plan~~, Form SAB 40-20 (New 04/02), until transferred into the District Deferred Maintenance Fund.
- (b) Transfer the excess funds from the Ongoing and Major Maintenance Account to the District Deferred Maintenance Fund and report the total dollar matching share on the ~~Certification of Deposits~~, Form SAB 40-21 (New 04/02). These funds are available to the district to perform work on the ~~Five Year Plan~~, Form SAB 40-20 (New 04/02).

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17070.75, 17582, and 17584, Education Code.

Amend Section 1866.4.4. Carryover of Unmatched State Funds.

Any funds deposited and not matched by the State can be carried over to the next fiscal year. A district can apply unexpended, unmatched balances past the next fiscal year under the provisions of EC Section 17583, and then reaffirm by specific action of the district's governing board the encumbrance of such funds for deferred maintenance purposes.

Carryover that has been reported on the ~~Certification of Deposits~~, Form SAB 40-21 (New 04/02) is considered matched and therefore cannot be applied as carryover in subsequent fiscal years.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17582 and 17583, Education Code.

Section 1866.4.5. County Superintendents of Schools Funding Limitations.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 2553, 39618-39619.2 and 39620, Education Code; and Sections 15502-15503, Government Code.

Amend Section 1866.4.6. Release of State Funds.

The CSSs shall report the district's deposit on the ~~Certification of Deposits~~, Form SAB 40-21 (~~New 04/02~~). The Form is due to the OPSC no later than 60 days after the maximum or prorated basic grant is apportioned by the Board. Any ~~Certification of Deposits~~, Form SAB 40-21 (~~New 04/02~~), received after 60 days will be brought to the Board on a case-by-case basis to determine if the funds will be released.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17584, Education Code.

Section 1866.4.7. Failure to Deposit Matching Funds.

A total deposit less than the maximum amount will require the district to comply with the reporting requirements of EC Section 17584.1. The OPSC will present to the Board in March reports received annually and request that any unmatched apportionments be adjusted to reflect actual amount of funds deposited.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17584 and 17584.1, Education Code.

Article 5. Extreme Hardship Grant Application and Apportionment

Amend Section 1866.5. Eligibility Requirements.

A district may be eligible for an extreme hardship grant, provided the district demonstrates to the Board that there is a critical project on the ~~Five Year Plan~~, Form SAB 40-20 (~~New 04/02~~), which meets all the following criteria:

- (a) Financial Test
 - (1) The total estimated cost of the critical project is greater than two times the district's maximum basic grant.
- (b) Health and Safety Test
 - (1) The project if not completed in one year could result in serious damage to the remainder of the facility or would result in a serious hazard to the health and safety of the pupils attending the facility.

An extreme hardship grant is available to repair or replace an existing school building component, authorized by EC Section 17582 of these regulations, located within existing district owned classrooms and/or subsidiary facilities (corridors, toilets, kitchens and other non-classroom space located on a school site), if the district can demonstrate to the satisfaction of the Board that the health and safety of the pupils is at risk.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17582, 17587, and 17588, Education Code.

Amend Section 1866.5.1. Application Submittals.

- (a) For the OPSC to deem an application complete, a district requesting an extreme hardship grant shall submit to the OPSC ~~the an Extreme Hardship Funding Application~~, Form SAB 40-22 (~~New 04/02~~), along with all documents requested in the General Information Section of the Form. Additional documentation identifying how the request meets the requirements of EC Section 17587 may be required.
- (b) More than one ~~Extreme Hardship Funding Application~~, Form SAB 40-22 (~~New 04/02~~), may be submitted by a district in a fiscal year provided each project meets the eligibility requirements set forth in Section 1866.5. The OPSC will present projects to the Board in the order of date received. Complete applications are accepted on a continuous basis; those received prior to the last working day in June are ensured consideration for funding by the Board in the next funding cycle.
- (c) The district shall submit a detailed cost estimate supporting the construction costs and any justification documents that will support the work with the ~~Extreme Hardship Funding Application~~, Form SAB 40-22 (~~New 04/02~~). If the extreme hardship grant request contains work on relocatable facilities, a cost/benefit analysis must be prepared by the district and submitted to the OPSC that indicates the total cost to remain and mitigate the problem is less than 50 percent of the current replacement cost of the facility. The Board will approve reasonable and appropriate funds to mitigate the

conditions, which makes the project qualify as a hardship under EC Section 17587, if the costs are consistent with the Saylor Current Construction Costs.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 17587, Education Code.

Amend Section 1866.5.2. Determination of Extreme Hardship Grant Amount and District Contribution.

- (a) An extreme hardship grant for the first critical project in any given fiscal year for a district with a maximum Basic Grant and State matching share that is less than \$1,000,000, shall be determined by either of the following:
- (1) For a total project cost that is less than \$1,000,000, the extreme hardship grant will be determined by taking the total project cost less the district's maximum basic grant, less the State's matching share.
 - (2) For a total project cost that exceeds \$1,000,000, the extreme hardship grant will be determined by taking \$1,000,000 less the district's maximum basic grant, less the State's matching share. The total of that amount plus 50 percent of any project costs above \$1,000,000 will be the State's hardship contribution. The district's contribution will be 50 percent of the remaining excess above \$1,000,000 and the district's maximum basic grant.
- (b) An extreme hardship grant for the first critical project in any given fiscal year for a district with a maximum basic grant and State matching share that exceeds \$1,000,000, shall be determined by the following:
- (1) From the total project cost deduct the district's maximum Basic Grant and State matching share. The remaining amount will be divided in half between the district and the State.
The district shall be required to contribute the maximum basic grant and State's matching share at the time the Board apportions funding for the project.
- (c) An extreme hardship grant for each additional hardship project beyond one in any given fiscal year shall be determined by dividing the total project cost in half. A cash contribution of 50 percent will be required from the district.
- (d) A district with only one school may include other major repair or replacement work deemed essential for basic utilization and functioning of the school, without being subject to subsection (c).

If a district with an extreme hardship project is deemed ineligible to receive the Maximum Basic Grant, pursuant to EC 35292.5 and Section 1866.4.2, the district shall be required to contribute an amount equal to both the State's and district's matching share of the Maximum Basic Grant at the time the Board apportions funding for the extreme hardship project.

If a district receives an unfunded approval pursuant to Section 1866.5.3, the extreme hardship grant will be an estimate based on the current maximum basic grant and state matching share and will be re-calculated using the maximum basic grant and state matching share at the time of funding by the Board.

Note: Authority cited: Section 15503, Government Code and Section 17588, Education Code.

Reference: Sections 17587 and 17588, Education Code.

Section 1866.5.3. Project Priorities Due to Insufficient State Funds.

- (a) When funds are not available, project requests that meet the criteria for funding are presented to the Board on a continuous basis throughout the fiscal year and are included on an unfunded list based on the date the complete critical hardship application was received by the OPSC.
- (b) The Board shall utilize the following prioritized list to apportion extreme hardship grants for critical projects when funds become available:

| Priority Description | Priority No. |
|---|--------------|
| A project that meets the requirements of (c) below. | 1 |
| All other eligible projects as defined in EC Section 17582(a) or these regulations. | 2 |

- (c) At the time the complete application is filed with the OPSC, a district requesting Priority One status shall submit a resolution passed by the district's governing board that includes the following:

- (1) Describe in detail the health and safety or structural problems present that preclude the pupils from remaining in the facility and the proposed action by the district's governing board.
- (2) Identify the facility or facilities on the school site that will be affected by the closure and the dates of closure.
- (3) Identify how the board plans on housing the pupils until the facility can be re-opened.

An assessment will be made by the OPSC and the Board to determine if the critical project meets the Priority One requirements.

(d) When funds become available, the requests included on the OPSC Extreme Hardship Unfunded List will receive funding in the following order, provided the project still meets Section 1866.5(a):

- (1) Increases, if the original request has already received an apportionment.
- (2) Priority One Projects.
- (3) All other eligible projects as defined in EC Section 17582(a) or these regulations.

Within each category, projects will be funded in the order the project was placed on the unfunded list. Projects that do not receive funding will remain on the unfunded list for a future funding cycle.

(e) The Board may make exceptions to the priorities on a case-by-case basis for the benefit of the pupils affected.

(f) The Board shall maintain a sufficient reserve for unexpected emergencies and on-going cost increases.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17587 and 17588, Education Code.

Section 1866.5.4. Reimbursement.

- (a) Reimbursement of eligible architect/engineering expenditures will be allowed up to five months prior to the date that the hardship project is accepted for processing by the OPSC.
- (b) After written determination by the OPSC that the project is approvable, reimbursement of eligible construction expenditures will be allowed. If a district incurs construction costs prior to that date, all construction expenditures for the project will not be reimbursed.
- (c) In the case where a project meets the criteria of priority one hardship pursuant to Section 1866.5.3(c), districts can contact the OPSC to request an expedited determination of the eligibility of the hardship project. The OPSC will respond within five working days. If OPSC does not respond within five working days, the project will be deemed approvable for eligible construction expenditures.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 17587, Education Code.

Section 1866.5.5. Permissible Uses of Extreme Hardship Grant Funds.

The extreme hardship grant shall be used for the critical project approved by the Board and only expenditures relating to the minimum work necessary to mitigate the problem shall be recognized as eligible project costs. Architect or engineer's fees up to 12 percent of the construction costs will be deemed eligible as well as reasonable testing, inspection, and plan checking fees. The grant may not be used for any of the following:

- (a) Construction costs incurred prior to the OPSC determining that the project is approvable, except for costs associated with temporary measures necessary to immediately mitigate the problem.
- (b) Expenditures required by local mandate that are not prescribed in State law.
- (c) Asbestos abatement, sampling, testing necessary as a result of a SFP modernization project or a Federal Renovation Program project.
- (d) Non-owned facilities.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 17587, Education Code.

Section 1866.5.6. Ongoing Project Cost Increase.

A district may request an increase in funding for ongoing project costs under either one of the following conditions:

- (a) The additional construction costs are a result of the lowest bidder exceeding the cost of the work approved by the Board for the extreme hardship grant. The OPSC may request that the project be re-bid prior to processing the increase for funding.
- (b) Additional related work is encountered within the scope of the work originally approved by the Board for the extreme hardship grant.

Any Board approved increase to the extreme hardship grant will be subject to the requirements of Section 1866.5.2.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17587 and 17588, Education Code.

Amend Section 1866.5.7. Release of State Funds.

The OPSC will release State funds that have been apportioned by the Board to the district after submittal by the district of the ~~Fund Release Authorization, Form SAB 40-23 (New 04/02), which is incorporated by reference,~~ and supporting documentation requested in the General Instruction Section of the form. A district must submit the ~~Fund Release Authorization, Form SAB 40-23 (New 04/02),~~ within one year of the apportionment of the extreme hardship grant for the project. After reviewing the submittal, the OPSC may request to the Board, based on the supporting documentation, that the extreme hardship grant be adjusted to reflect the actual project costs.

Should the district only provide documentation to support the release of funding for a portion of the project, the OPSC shall prorate the fund release based on the supporting documentation.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 17587, Education Code.

Amend Section 1866.5.8. Progress Report and Time Limit on Extreme Hardship Grant Apportionment.

Within one year of the extreme hardship grant apportionment by the Board the district shall:

- (a) Complete the critical project; and
- (b) Submit the ~~Fund Release Authorization, Form SAB 40-23 (New 04/02)~~ and supporting documentation pursuant to Section 1866.5.7.
- (c) If (b) above has not been met within six months of Board apportionment, the district is required to submit a progress report in the form of a narrative to the OPSC. The report shall contain a timeline of the project showing the progress that has been made and how the district plans on completing the project by the one year deadline. Should the district not meet the one year deadline, the entire extreme hardship grant shall be presented to the Board for rescission and, if applicable, the portion of the Basic Grant the district received due to the extreme hardship grant funding unless the district submits a request for time extension.
- (d) The Board may approve a time extension for the project based on the following:
 - (1) A provision for a six-month time extension if the district has completed the plans and they have been submitted to the DSA for approval.
 - (2) A provision for a six-month time extension when the plans are DSA approved and the project is currently out to bid.
 - (3) A provision for up to a nine-month time extension when the district can demonstrate to the Board that circumstances exist beyond the district's control.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17587 and 17588, Education Code.

Section 1866.5.9. Exemptions to District Contribution.

Monitoring costs required by a public agency relating to the removal of an underground toxic tank that cannot be funded by any other source, shall be exempted from a project's total cost for the purpose of determining the district contribution as required in Section 1866.5.2(a)(2) or (b)(1).

Note: Authority cited: Section 15503, Government Code.

Reference: Section 17587, Education Code.

Section 1866.6. Method of Payment to School District.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 39618-39621, Education Code.

Article 6. Miscellaneous

Section 1866.7. Control of Expenditures.

EC Section 17582(c) provides that the governing board of each school district shall have complete control over the apportioned funds and the earnings of funds once deposited in the district deferred maintenance fund, provided that no funds deposited in the district deferred maintenance fund pursuant to EC Section 17584(a) or (b) may be expended by the governing board for any purpose except those specified in EC Section 17582(a).

Note: Authority cited: Section 15503, Government Code.

Reference: Section 17582, Education Code.

Section 1866.8. Expenditures by Districts Subject to Public Contract Code.

Any expenditures by a district from the proceeds of an apportionment made for the purposes set forth in EC Sections 17582 and 17587 must comply with all laws, specifically the Public Contract Code (PCC) and the California Code of Regulations (Title 24). An "emergency" contract must be awarded under the provisions of the PCC Section 20113.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17582, 17584, and 17587, Education Code.

Amend Section 1866.9. Program Reporting Requirements.

A district receiving funds in accordance with Section 1866.5.2 shall submit an expenditure report from the district on the ~~Expenditure Report~~, Form SAB 40-24 (New 04/02), which is incorporated by reference. The expenditure report shall be due no later than two years from the date any funds were released.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 17587, Education Code.

Amend Section 1866.9.1. Expenditure Audit.

When the district has received funds pursuant to Section 1866.5.2, the project will be audited to assure that the expenditures incurred by the district were made in accordance with the provisions of EC Section 17582(a), 17587, and Section 1866.5.5.

When the OPSC receives the final expenditure report from the district on the ~~Expenditure Report~~, Form SAB 40-24 (New 04/02), an audit of the expenditures by the OPSC shall commence within one year of the report for all extreme hardship grant apportionments made by the Board after these regulations become effective. The OPSC shall complete the audit within six months, unless additional information requested by the district has not been received.

The district shall be required to maintain all appropriate records that support all district certifications and expenditures for all costs associated with the extreme hardship grant for a period of not less than four years from the date the notice of

completion is filed for the project in order to allow other agencies, including, without limitation, the Bureau of State Audits and the State Controller to perform their audit responsibilities.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 17587, Education Code.

Section 1866.10. Limitation of State Responsibility.

In making an apportionment, neither the State nor any department or agency thereof, shall be required to assume any responsibility not otherwise imposed upon it by law.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17582-17592.5, Education Code.

Section 1866.11. Payment and Performance Bonds.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 39618-39621, Education Code.

Section 1866.12. Earned Interest on DMP Grants.

Earned interest on State funds received in accordance with the Act shall be treated as follows:

- (a) One half of any interest earned on DMP grant funds provided pursuant to Section 1866.4.2 may be applied towards the district match in any given fiscal year.
- (b) All interest earned on DMP grant funds provided pursuant to Section 1866.5 shall be applied to eligible project costs for the project pursuant to Section 1866.5.5 or returned to the State.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17582, 17584, and 17587, Education Code.

Amend Section 1866.13. Duplication of Applications.

If the district's application for an extreme hardship grant involves proposed work also included in a SFP modernization project currently included on the SFP Modernization Unfunded List or the OPSC Modernization Workload List, the district must certify that, after reducing the work to be funded with the extreme hardship grant from the SFP modernization project, the cost estimate for the remaining work in the modernization project is at least 60 percent of the total SFP grant amount provided by the state and the district's matching share. The cost estimate may not include planning, tests, inspection or furniture or equipment. If the district cannot make this certification, the SFP modernization project must be withdrawn prior to the release of any extreme hardship grants to the district.

If the district's application for FRP grants or SFP modernization grants involve work currently included on the district's ~~Five Year Plan~~, Form SAB 40-20, (~~New 04/02~~) pursuant to Education Code Section 17591, the district must eliminate the projects that will be funded with the FRP grants or SFP modernization grants from the Form prior to the release of any FRP grants or SFP modernization grants to the district.

Note: Authority cited: Section 15503, Government Code.

Reference: Sections 17582, 17587 and 17591, Education Code.

Amend Section 1866.14. Amending and Withdrawal of Extreme Hardship Funding Applications.

The district may not amend ~~the an Extreme Hardship Funding Application~~, Form SAB 40-22, (~~New 04/02~~) submitted to the OPSC that has not received Board approval to increase the scope of work. At the option of the district, the funding application may be withdrawn and resubmitted to include the additional work. The district must request that the application

be withdrawn and removed from the OPSC Deferred Maintenance Extreme Hardship Workload List. The resubmitted application will receive a new processing date by the OPSC.

Note: Authority cited: Section 15503, Government Code.

Reference: Section 17587, Education Code.

ATTACHMENT B

Senate Bill No. 892

CHAPTER 909

An act to add Section 35292.5 to the Education Code, relating to schools.

[Approved by Governor October 12, 2003. Filed
with Secretary of State October 12, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 892, Murray. School restrooms.

Existing law exempts public and private schools from provisions relating to the sufficiency of public facility restrooms, and provides for the maintenance and repair of public school facilities by school districts.

This bill would, with certain exceptions, require every public and private school to have restroom facilities that are open as prescribed during school hours, and at all times to keep every restroom maintained and cleaned regularly, fully operational, and stocked with soap and paper supplies.

This bill would make a school district ineligible for prescribed state school facilities deferred maintenance matching funding if, after a 30-day notice period and a reasonable opportunity to cure the violation, a public school it operates remains in violation of this bill.

The people of the State of California do enact as follows:

SECTION 1. Section 35292.5 is added to the Education Code, to read:

35292.5. (a) Every public and private school maintaining any combination of classes from kindergarten to grade 12, inclusive, shall comply with all of the following:

(1) Every restroom shall at all times be maintained and cleaned regularly, fully operational and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

(2) The school shall keep all restrooms open during school hours when pupils are not in classes, and shall keep a sufficient number of restrooms open during school hours when pupils are in classes.

(b) Notwithstanding subdivision (a), a school may temporarily close any restroom as necessary for pupil safety or as necessary to repair the facility.

(c) Any school district that operates a public school that is in violation of this section as determined by the State Allocation Board, is ineligible

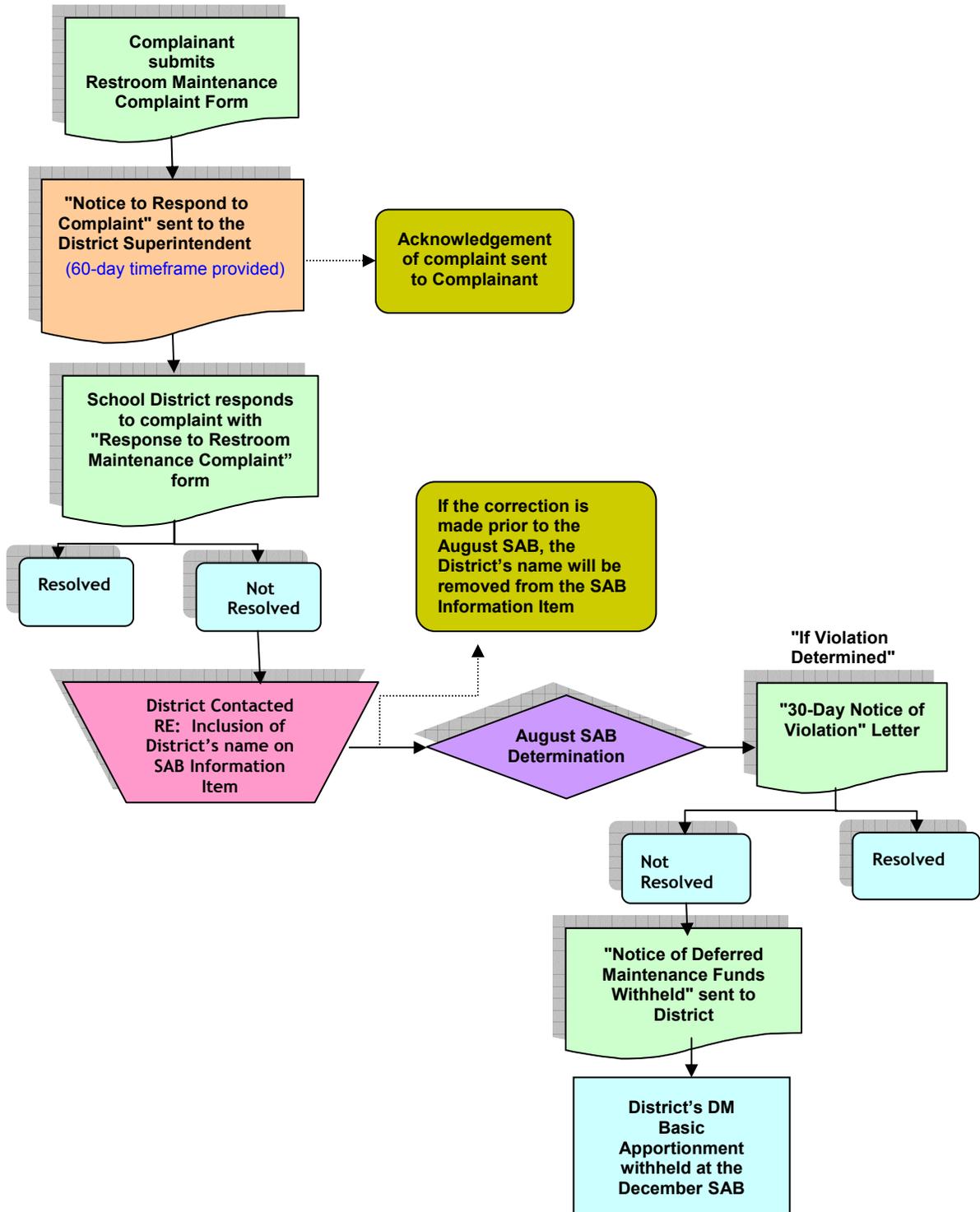
for state deferred maintenance fund matching apportionments pursuant to Section 17584 if the school district has not corrected the violation within 30 days after receipt of a written notice of the violation from the board. Prior to determining that the school district is ineligible, the board shall provide the school district with a reasonable opportunity to cure the violation. The board shall notify the Superintendent of Public Instruction regarding a school district found to be in violation of this section. The Superintendent of Public Instruction shall notify the Controller to withhold apportionments otherwise due the school district under Section 17584.

SEC. 2. It is the intent of the Legislature that a school employee who performs maintenance or repair functions related to restroom facilities that are subject to Section 35292.5 of the Education Code not be subject to discipline if the employee performs his or her responsibilities as required by his or her employer.

SEC. 3. The Legislature finds and declares that, as regards public schools, a principal purpose of this act is to clarify the preexisting requirements of Section 17576 of the Education Code by specifying the minimum requirements necessary to provide sufficient patent flush water closets for the use of pupils in a manner that is consistent with those requirements that apply to other public and private persons or agencies pursuant to Section 118505 of the Health and Safety Code. Because the local mandate established pursuant to Section 17576, which was enacted on January 1, 1948, was enacted prior to January 1, 1975, no reimbursement is required under this act pursuant to Section 6 of Article XIII B of the California Constitution.

ATTACHMENT C

Senate Bill 892
Complaint Process Flow Chart



ATTACHMENT D

Assembly Bill No. 1124

CHAPTER 358

An act to add Sections 17070.755 and 17584.3 to the Education Code, relating to public schools.

[Approved by Governor September 11, 2003. Filed with Secretary of State September 12, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1124, Nunez. School facilities maintenance and repair.

(1) Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

Existing law requires the board to require a participating school to keep state-funded facilities in good repair, to establish a restricted facilities maintenance account within the school district's general fund, and to deposit an amount equal to 3% of the school district's general fund into the fund for maintenance of the facility pursuant to a prescribed priority.

This bill would require that a priority for the use of that maintenance funding be to ensure that facilities, including, but not limited to, restroom facilities for pupils, are functional and that they meet local hygiene standards generally applicable to public facilities.

(2) Existing law authorizes a school district to establish a restricted fund known as the "district deferred maintenance account" for the purpose of major repair or replacement of school facilities systems.

Existing law requires the State Allocation Board to allocate, within prescribed limits, matching state funding from the State School Deferred Maintenance Fund to applicant school districts for this purpose.

This bill would require that a priority for use of the state funds be to ensure that facilities, including, but not limited to, restroom facilities for pupils, are functional and that they meet local hygiene standards generally applicable to public facilities.

The people of the State of California do enact as follows:

SECTION 1. Section 17070.755 is added to the Education Code, immediately following Section 17070.75, to read:

17070.755. A priority for the use of funds in the restricted account established pursuant to Section 17070.75, shall be to ensure that facilities, including, but not limited to, restroom facilities for pupils, are functional and that they meet local hygiene standards generally applicable to public facilities.

SEC. 2. Section 17584.3 is added to the Education Code, to read:

17584.3. (a) A priority for use of funds appropriated pursuant to Section 17584 shall be to ensure that facilities, including, but not limited to, restroom facilities for pupils, are functional and that they meet local hygiene standards generally applicable to public facilities.

(b) This section does not authorize the use of funds apportioned pursuant to Section 17584 for regular operational and maintenance costs of restrooms and other facilities. The funds apportioned pursuant to Section 17584 may only be used for the deferred maintenance of those facilities consistent with subdivision (a) of Section 17582.

GENERAL INFORMATION

This form is used by the School District to calculate the district's eligibility for new construction and modernization funding under the School Facility Program (SFP). The business address entered on the application should be the location that the school district wishes the Office of Public School Construction (OPSC) to mail all correspondence regarding this application.

Part I

Complete to designate or change the authorized district representative and/or alternate. Should this be the case, complete the school district information, identify the district representative(s) in Part I and complete the district certification information at the bottom of the form, including the date the district's governing board took appropriate action.

Part II

Complete for new construction baseline eligibility determination. This part is also used to request an adjustment to an approved new construction baseline eligibility as a result of subdivisions (f), (k) and (l) of Section 1859.51 due to either errors or omissions of information submitted by the district when it requested the initial baseline eligibility, because of a reorganization election that has changed the classroom inventory of the district or to change the classroom inventory that was reported at the time the district requested its initial determination of existing school building capacity as a result of special day class loading. The following documentation is necessary to determine new construction baseline eligibility and must be submitted with this form:

- A completed Form SAB 50-01 based on the latest enrollment data.
- A completed Form SAB 50-02.

Part III

Complete for modernization baseline eligibility determination at a specific site. Districts must be able to provide a drawing of the site where eligibility for modernization is generated with its request for an eligibility determination. The drawing must identify all permanent and portable classrooms on the site and their ages. If the district intends to use the square footage method in Option B, the drawings must also identify the square footage of all facilities on the site. Part III is also used to request an adjustment to the approved baseline eligibility at a specific site as a result of subdivisions (c), (d), (e) and (g) and (i) of Section 1859.78.8⁶¹ due to either an increase in enrollment, additional facilities becoming at least 20/25 years old, facilities becoming eligible for an additional modernization apportionment, for permanent school buildings every 25 years after the date of its previous apportionment or for portable classrooms every 20 years after the date of its previous apportionment, because of errors or omissions of information submitted by the district when it requested the initial baseline eligibility for the site or to change the classroom inventory that was reported at the time the district requested its initial determination of existing school building capacity as a result of special day class loading. The following documentation is necessary (if not previously submitted to the OPSC) to determine modernization baseline eligibility and must be submitted with this form (as appropriate):

- Site diagram of school where modernization funding is requested. The diagram must indicate the ages and number of all permanent and portable classrooms on the site in accordance with the gross classroom inventory as provided by Section 1859.31.
- If the modernization eligibility will be determined by Option B, the site drawings must also include square footage and/or dimensions of all buildings on the site.

If modernization funding is requested for permanent or portable classrooms previously modernized with State funds, and qualifies for an additional apportionment pursuant to Section 1859.78.8, for purposes of establishing the beginning of the 25/20 year, it shall begin on the date of its previous modernization apportionment.

It is not necessary to complete Part III if the district is only requesting funding for new construction and it is not necessary to complete Part II if the district is only requesting funding for modernization.

A district may request that eligibility for new construction or modernization be reviewed and approved by the Board pursuant to Section 1859.20 prior to submitting Form SAB 50-04 to the Board.

For a list of the documents that must be submitted in order for the OPSC to deem an eligibility request for new construction or modernization complete and ready for OPSC processing, consult the OPSC Web site at www.opsc.dgs.ca.gov.

SPECIFIC INSTRUCTIONS**Part I – District Representative Information**

Enter the name(s) of district employee(s) that can act on behalf of the district's board. A consultant who is on contract with the district to communicate with the OPSC on behalf of the district's board may be listed. The designee of the Superintendent of Public Instruction shall file modernization applications on behalf of the California Schools for the Deaf and Blind.

Part II – New Construction Eligibility Determination

Indicate if this request is for a new or adjusted eligibility determination. Enter the district-wide information unless filing on a High School Attendance Area (HSAA) or Super HSAA basis. The enrollment projection and the existing school building capacity data are obtained from information reported and determined on the Form SAB 50-01 and the Form SAB 50-02. Once the OPSC has verified the information provided on these forms, it will automatically be transferred to this form to determine the district's eligibility for new construction. The district may manually enter the information from these forms and compute its eligibility; however, it may be adjusted by the OPSC based on verification of Form SAB 50-01 and Form SAB 50-02.

1. Enter the five year projected enrollment as shown in Part G of Form SAB 50-01 for grades K–6, 7–8, 9–12 and for the total of non-severe and severe special day class (SDC) projected enrollment.
2. Enter the amounts on Form SAB 50-02, Part III, line 5 for grades K–6, 7–8, 9–12, non-severe and severe.
3. New construction eligibility (i.e., the "baseline eligibility") is determined by subtracting the existing school building capacity (line 2) from the projected five year enrollment (line 1). Report negative numbers in brackets.

Adjustments to the district's new construction baseline eligibility will be made by the OPSC pursuant to Section 1859.51. Contact your project manager at the OPSC for the adjusted baseline eligibility for future request for new construction grants.

Part III – Modernization Eligibility Determination

Modernization eligibility is calculated based on information at a specific site when modernization SFP grants are requested within the district. Therefore, completion of Form SAB 50-01 and Form SAB 50-02 are not needed to determine eligibility for modernization funding. Since the eligibility is site specific, the district must submit a separate Form SAB 50-03 for each site for which it is requesting modernization funding. Indicate if this request is for new baseline eligibility determination or for an adjustment to an approved baseline eligibility as a result of Section 1859.61.

The district may use one of two options to calculate its modernization eligibility at a specific site within the district. The district may select only one option. To assure timely processing of the application, districts must provide a drawing of the site (if not previously submitted to the OPSC) where modernization funds are generated with the eligibility request to the OPSC. The drawing must identify all permanent and portable classrooms and their ages on the site. If the square footage of Option B is selected, the drawings must also identify the square footages of all facilities on the site. In item 1, enter the school site name from the California Public School Directory published by the California Department of Education. For purposes of determining the age of the building for modernization funding, the 25/20 year period shall begin 12 months after the plans for the building were approved by the Division of the State Architect (DSA); or in the case of permanent or portable classrooms previously modernized with State funds, which are eligible for an additional apportionment, the 25/20 year period shall begin on the date of its previous modernization apportionment. Any drawing that includes classrooms eligible for an additional apportionment pursuant to Section 1859.78.8 should specify both the date the classroom's plans were originally approved by the DSA and the date of its previous modernization apportionment.

1. Enter the school site name from the California Public School Directory published by the California Department of Education.

Option A

2. Enter the number of permanent classrooms by grade level at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 that are at least 25 years old ~~that were not previously modernized with Lease-Purchase Program (LPP) State funds. and include any permanent classrooms not previously reported as that have become~~ at least 25 years old. If the school is a 6–8 middle school only, then report all classrooms at the 7–8 grade level. If this request is to adjust the classrooms reported for non-severe or severe pupil loading, the total classrooms reported must be equal to the classrooms reported at the time of the district request for initial modernization baseline eligibility. In no event may the number of classrooms reported for non-severe or severe pupils exceed the number of classrooms needed to house non-severe and severe pupils as reported on line 6 using loading standards of 13 for non-severe and 9 for severe classrooms. For purposes of the California Schools for the Deaf and Blind, the loading standard for these severe pupils shall be 9.
3. Enter the total number of portable classrooms by grade level at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 that are at least 20 years old ~~that were not previously modernized with LPP State funds. and include any portable classrooms not previously reported as that have become~~ at least 20 years old. If the school is a 6–8 middle school only, then report all classrooms at the 7–8 grade level. If this request is to adjust the classrooms reported for non-severe or severe pupil loading, the total classrooms reported must be equal to the classrooms reported at the time of the district request for initial modernization baseline eligibility. In no event may the number of classrooms reported for non-severe or severe pupils exceed the number of classrooms needed to house non-severe and severe pupils as reported on line 6 using loading standards of 13 for non-severe and 9 for severe classrooms.
4. Add lines 2 and 3 by the grades shown.
5. Multiply line 4 by 25 for K–6, 27 for 7–8 and 9–12, 13 for non-severe and 9 for severe.
6. Enter the latest California Basic Educational Data Systems (CBEDS) enrollment for the school site identified as it would have been reported utilizing the criteria in Parts A, B and C of Form SAB 50-01. Report continuation high pupils as 9–12. If the school is a 6–8 middle school only, report 6th graders as 7–8.
7. Modernization eligibility (i.e., the baseline eligibility) is the lesser of each column of lines 5 or 6.

Option B

2. Enter the total number of permanent classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 or all permanent square footage at the site that is at least 25 years old ~~that was not previously modernized under the LPP, the SFP or with Proposition 1A funds.~~
 3. Enter the total number of portable classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 or all portable square footage at the site that is at least 20 years old pursuant to Section 1859.60 ~~that was not previously modernized under the LPP, the SFP or with Proposition 1A funds.~~
 4. Add lines 2 and 3.
 5. Enter the remaining number of permanent and portable classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 or all remaining permanent or portable space that is under 25/20 years old.
 6. Add lines 4 and 5.
 7. Determine the percentage of space on the site that is at least 25/20 years old by dividing line 4 by line 6. Round to four decimal places.
 8. Enter the latest CBEDS enrollment for each grade group at the school site identified as it would have been reported utilizing the criteria in Parts A, B and C of Form SAB 50-01. Report continuation high pupils as 9–12. If the school is a 6–8 middle school only, report 6th graders as 7–8.
 9. Modernization eligibility (i.e., the baseline eligibility) is determined by multiplying line 7 by each grade group reported in line 8. Round up.
- If this request is only to report increases in enrollment at the site for purposes of increasing eligibility, report only the CBEDS enrollment in either Option A or B. Adjustments to the District's modernization baseline eligibility will be made pursuant to Section 1859.61. These adjustments will automatically be made by the OPSC. Contact your project manager at the OPSC for the adjusted baseline eligibility for future requests for modernization grants at the specific site.

| | |
|------------------|--|
| SCHOOL DISTRICT | FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY) |
| BUSINESS ADDRESS | HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE) |
| CITY/COUNTY | |

Part I – District Representative Information

The following individual(s) have been designated as district representative(s) by school board minutes or the designee of the Superintendent of Public Instruction:

| | | |
|-------------------------|------------------|----------------|
| DISTRICT REPRESENTATIVE | TELEPHONE NUMBER | E-MAIL ADDRESS |
| DISTRICT REPRESENTATIVE | TELEPHONE NUMBER | E-MAIL ADDRESS |

Part II – New Construction Eligibility Determination NEW ADJUSTED

| | K-6 | 7-8 | 9-12 | Non-Severe | Severe |
|---|-----|-----|------|------------|--------|
| 1. Projected Enrollment (Part G, Form SAB 50-01) | | | | | |
| 2. Existing School Building Capacity (Part III, Line 5 of Form SAB 50-02) | | | | | |
| 3. New Construction Baseline Eligibility (Line 1 minus Line 2) | | | | | |

Part III – Modernization Eligibility Determination NEW ADJUSTED

| | | | | | |
|--|-----|-----|------|------------|--------|
| 1. School Name | | | | | |
| Option A | K-6 | 7-8 | 9-12 | Non-Severe | Severe |
| 2. Permanent classrooms at least 25 years old | | | | | |
| 3. Portable classrooms at least 20 years old | | | | | |
| 4. Total (Lines 2 and 3) | | | | | |
| 5. Multiply Line 4 by: 25 for K-6, 27 for 7-8 and 9-12, 13 for Non-Severe and 9 for Severe | | | | | |
| 6. CBEDS enrollment at school | | | | | |
| 7. Modernization Eligibility (lesser of each column of Lines 5 or 6) | | | | | |
| Option B | | | | | |
| 2. Permanent space at least 25 years old (report by classroom or square footage) | | | | | |
| 3. Portable space at least 20 years old | | | | | |
| 4. Total (Lines 2 and 3) | | | | | |
| 5. Remaining permanent and portable space (report by classroom or square footage) | | | | | |
| 6. Total (Lines 4 and 5) | | | | | |
| 7. Percentage (divide Line 4 by Line 6) | | | | | |
| | K-6 | K-6 | K-6 | Non-Severe | Severe |
| 8. CBEDS enrollment at school | | | | | |
| 9. Modernization Eligibility (multiply Line 7 by each grade group reported on Line 8) | | | | | |

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district or the designee of the Superintendent of Public Instruction; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code was adopted by the School District's Governing Board or the designee of the Superintendent of Public Instruction on _____, _____; and,
- This form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

| | |
|--------------------------------------|------|
| SIGNATURE OF DISTRICT REPRESENTATIVE | DATE |
|--------------------------------------|------|

GENERAL INFORMATION

Once the Board has determined or adjusted the district's eligibility for either new construction or modernization funding, on Form SAB 50-03 the district may file an application for funding by use of this form. If the district has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district may not file an application for funding until the Board has adjusted the district's new construction baseline eligibility as required in Section 1859.51. This may be accomplished by completion of Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.

For purposes of Education Code Section 17073.25, the California Department of Education (CDE) is permitted to file modernization applications on behalf of the California Schools for the Deaf and Blind.

Requests for funding may be made as follows:

A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
- Contingent site approval letter from the CDE.
- Preliminary appraisal of property.
- Approval letter from the Department of Toxic Substances Control.

A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 (if not previously submitted).
- Contingent site approval letter from the CDE (site apportionment only).
- Preliminary appraisal of property (site apportionment only).

A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-01, Form 50-02, and Form SAB 50-03 (if not previously submitted).
- Site approval letter from the CDE.
- Appraisal of district-owned site.
- Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.

A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).

A New Construction Adjusted Grant pursuant to Section 1859.70. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
- Site/plan approval letter from the CDE.
- Appraisal of property if requesting site acquisition funds.
- Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
- Cost estimate of proposed site development, if requesting site development funding.
- School board resolution if requesting more grants than the capacity of the project or to use grant eligibility at another grade level. Refer to Section 1859.77.2.
- If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.

Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-03 (if not previously submitted).

- P&S for the project that were approved by the DSA.
- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- Plan approval letter from the CDE.
- Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).

Prior to acceptance of an application for funding that includes a financial hardship request, the district must have its financial hardship status "pre-approved" by the Office of Public School Construction (OPSC). To apply for a financial hardship "pre-approval", consult the OPSC Web site at www.opsc.dgs.ca.gov.

If the district is requesting New Construction funding after the initial baseline eligibility was approved by the Board and the district's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01 based on the current year CBEDS enrollment data, and submit it to the OPSC with this form. A small district with 2,500 or less enrollment as defined in Section 1859.2 will not have its eligibility reduced for a period of three years from the date the district's baseline eligibility was approved by the Board as a result of reduction in projected enrollment.

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC processing, consult the OPSC Web site at www.opsc.dgs.ca.gov.

For purposes of completing this form for a Final Charter School Apportionment, a charter school shall be treated as a school district.

SPECIFIC INSTRUCTIONS

The district must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the DSA and the CDE for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the district has already assigned a PTN to this project by prior submittal of the P&S to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the OPSC Web site at www.opsc.dgs.ca.gov "PT Number Generator."

1. Type of Application

Check the appropriate box that indicates the type of School Facility Program (SFP) grant the district is requesting for purposes of new construction, modernization, a separate design and/or site apportionment, site apportionment as an environmental hardship or New Construction (Final Apportionment). If the application is for the modernization of school facilities and includes facilities that are eligible for an additional apportionment pursuant to Section 1859.78.8, include a site diagram with this application that specifies the age of each classroom facility eligible for modernization. The diagram should also indicate the date of its original DSA plan approval and the date the classroom facility received its prior modernization apportionment, if known include the project modernization number on the diagram. If the application is for modernization of a California School for the Deaf or Blind, the CDE shall check the box identified as Modernization of California Schools for the Deaf/Blind. If the request is for a separate design apportionment, the CDE shall check the appropriate box. If the eligibility for this project was established as a result of the need for new or replacement facilities pursuant to Section 1859.82 (a) and (b), or rehabilitation pursuant to Section 1859.83 (e), check the appropriate box.

If this request is for an addition to an existing site and advance funding for the evaluation and RA costs, check the appropriate box and refer to Section 1859.74.4.

If this request is to convert a Preliminary Apportionment or a Preliminary Charter School Apportionment to a Final Apportionment, check the New Construction (Final Apportionment or Final Charter School Apportionment) box.

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 12, 13, 14, 15 and 18 only.

2. Type of Project

- a. Select the type of project that best represents this application request and enter the number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.
If this request is for a Final Apportionment, the pupils assigned to the project must be at least 75 percent, but not more than 100 percent, of the pupils that received the Preliminary Apportionment. Refer to Section 1859.147.
- b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:
 - The total number of classrooms or the total square footage building area to be modernized as part of the project. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
 - The total number of permanent classrooms or the total permanent square footage building area to be modernized as part of the project that is at least 50 years old. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
- c. Indicate if this request is for funding of a 6–8 school.
- d. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Sections 1859.71.2 or 1859.78.4.
- e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.
- f. If the request is for replacement facilities pursuant to Section 1859.82 (a) or (b) on the same site, check the facility hardship box.

3. Number of Classrooms

Enter the:

- Number of classrooms as shown on the plans and specifications (P&S). If there was demolition at the site, report the net increase in the number of classrooms showing in the P&S.
- Master plan site size, as recommended by the California Department of Education.
- Existing Useable Acres already owned at that location (if any).
- Proposed Useable Acres that was/will be purchased as part of the application (if any).

4. Financial Hardship Request

Check the box if the district is requesting financial hardship assistance because it is unable to meet its matching share requirement. Refer to Section 1859.81 for eligibility criteria. Districts requesting financial assistance must have received a pre-approval for financial hardship status by the OPSC. Consult the OPSC Web site at www.opsc.dgs.ca.gov for details and necessary documentation needed in order to determine eligibility.

5. New Construction Additional Grant Request

Check the appropriate box(es) if the district requests an augmentation to the new construction grant for “additional” grants for the items listed or for replacement facilities pursuant to Section 1859.82 (a) and (b). Refer to Sections 1859.72 through 1859.76 and 1859.82 (a) and (b) for eligibility criteria. Enter the:

- a. Therapy area in square feet as provided in Section 1859.72.
- b. Multilevel classrooms in the P&S pursuant to Section 1859.73.
- c. Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- d. Indicate the site scenario that best represents the project request. If no RA is required, refer to Section 1859.74. If a RA is required on a site that is not leased

or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.

- (1) Enter 50 percent of the actual cost.
- (2) Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.
- (3) Enter 50 percent of the allowable relocation cost.
- (4) Enter two percent of the lesser of the actual cost or appraised value of the site (minimum \$25,000).
- (5) Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1.

A project that received site acquisition funds under the Lease-Purchase Program (LPP) as a priority two project is not eligible for site acquisition funds under the SFP. A district-owned site acquired with LPP, SFP or Proposition 1A funds is not eligible for funding under Regulation Section 1859.74.5.

- e. Enter 50 percent of the amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. If an RA is required, check the box.
- f. Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to Section 1859.76. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.
- g. If the district is requesting replacement facilities on the same site, enter the square footage requested as provided in Section 1859.82 (a) or (b).
- h. Enter the square feet of eligible replacement area as provided by Section 1859.73.2.
- i. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3 (a)(3).

6. Modernization Additional Grant Request

- a. Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- b. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5 (a)(3).
- c. Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).

7. Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the New Construction or Modernization Grants for an excessive cost hardship for the items listed. Refer to Section 1859.83 for eligibility criteria. Requests for excessive cost grants for a new two-stop elevator(s) and for additional stops in a modernization project are allowed only if required by the Division of the State Architect (DSA). Attach copy of the DSA letter that requires that the elevator(s) be included in the project for handicapped access compliance.

If the request is for rehabilitation mitigation, report 80 percent or 60 percent (as appropriate) of health/safety rehabilitation mitigation cost for a modernization project as authorized by Section 1859.83 (e).

8. Project Priority Funding Order

Enter the priority order of this project in relation to other new construction applications submitted by the district on the same date. If applications are not received on the same date, the OPSC will assign a higher district priority to the application received first. Check the box(es) if the project meets the criteria outlined in Section 1859.92(c)(3),(4) and (6), as appropriate. This information is needed for purposes of priority points.

9. Prior Approval Under the LPP

If the project the district is requesting SFP grants for received a Phase P, S, or C approval under the LPP, report the application number of that project, regardless if the project actually received funding or was included on an "unfunded" list. Failure to report this information may delay the processing of the application by the OPSC.

10. Prior Apportionment Under the SFP

If the project received a separate apportionment under the SFP for either site and/or design, or site environmental hardship, enter the application number of the project. Failure to report this information may delay the processing of the application by the OPSC.

11. Preliminary Apportionment to a Final Apportionment

- a. If this request is to convert a Preliminary Apportionment to a Final Apportionment, enter the application number of the Preliminary Apportionment. Failure to report this information may delay the processing of the application by the OPSC.
- b. If this request is to convert a Preliminary Charter School Apportionment to a Final Charter School Apportionment, enter the application number of the Preliminary Charter School Apportionment. Failure to report this information may delay the processing of the application by the OPSC.

12. Alternative Developer Fee

The district must report certain alternative fees collected pursuant to Government Code Section 65995.7, as of the date of application submittal to the OPSC. Refer to Section 1859.77 for details. Districts are advised that the OPSC may perform an audit of the developer fees collected prior to application approval by the Board.

13. Adjustment to Baseline Eligibility

Complete only for new construction projects.

Pursuant to Section 1859.51 certain adjustments to the district's new construction baseline eligibility must be made each time a district submits Form SAB 50-04, to the OPSC for SFP grants. These adjustments are made automatically by the OPSC based on information reported by the district on this form.

- a. Report all additional classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown, with the exception of a classroom that is/was:
 - A trailer and transportable/towed on its own wheels and axles.
 - Excluded pursuant to Education Code Section 17071.30.
 - Under contract for lease, lease-purchase, or construction prior to January 1, 2000.
 - Under contract for lease, lease-purchase, or construction no more than 180 days before submittal of this form to the OPSC.
 - Included in a SFP project where the district has funded a portion of the project beyond its required district contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
 - Acquired with joint-use funds pursuant to Education Code Sections 17052 or 17077.40.
- b. If the eligibility for this project was determined on a high school attendance area (HSAA) or Super HSAA pursuant to Section 1859.41, enter the number of pupils by grade level type that were included in the latest report by the CDE pursuant to Education Code Section 42268 that received operational grants in that HSAA or Super HSAA.

14. Pending Reorganization Election

Complete only for new construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the district must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the district's new construction baseline eligibility as a result of the reorganization and submit them with this form.

15. Joint-Use Facility/Lease Property

Check the box if:

- a. the facilities to be constructed/modernized as part of this project will be for joint use by other governmental agencies.
- b. the new construction or modernization grants will be used for facilities located or to be located on leased property.

16. Architect of Record or Licensed Architect Certification

The architect of record or the licensed architect must complete this section.

17. Architect of Record or Design Professional Certification

The architect of record or the appropriate design professional must complete this section.

18. Certification

The district representative must complete this section.

The school district named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code and the Regulations thereto.

| | | |
|-----------------|--|--|
| SCHOOL DISTRICT | | APPLICATION NUMBER |
| SCHOOL NAME | | PROJECT TRACKING NUMBER |
| COUNTY | DISTRICT REPRESENTATIVE'S E-MAIL ADDRESS | HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE) |

1. Type of Application—Check Only One

- New Construction
- New Construction (Final Apportionment)
- New Construction (Final Charter School Apportionment)
- Modernization
- Modernization of California Schools for Deaf/Blind

Separate Apportionment

- Site Only—New Construction [Section 1859.81.1]
- Site Only (District owned)—New Construction [Section 1859.81.2]
- Site Only—Environmental Hardship [Section 1859.75.1]
- Design Only—New Construction [Section 1859.81.1]
- Design Only—Modernization
- Design Only—Modernization of California Schools for Deaf/Blind
- Facility Hardship [Section 1859.82(a)]
- Facility Hardship [Section 1859.82(b)]
- Rehabilitation [Section 1859.83(e)]
- Advance Funding for Evaluation and RA

2. Type of Project

- a. Elementary School
 Middle School
 High School
- Pupils Assigned:**
 K–6: _____
 7–8: _____
 9–12: _____
 Non-Severe: _____
 Severe: _____
- b. 50 years or older building funding (Modernization only)
 Total Classrooms/Square Footage: _____
 Classroom/Square Footage at least 50 years old: _____
- c. Is this a 6–8 school? Yes No
 If you answered yes, how many K–6 pupils reported above are sixth graders? _____
- d. Automatic Fire Detection/Alarm System
 Automatic Sprinkler System
- e. Is this a use of grant request pursuant to Section 1859.77.2? Yes No
 Is this request pursuant to Section 1859.77.2(c)? Yes No
 If yes, enter date of successful bond election: _____
 Is this a use of grant request pursuant to Section 1859.77.3? Yes No
 Is this request pursuant to Section 1859.77.3(c)? Yes No
 If yes, enter date of successful bond election: _____
- f. Facility Hardship (no pupils assigned)

3. Number of Classrooms:

Master Plan Acreage Site Size (Useable): _____
 Existing Acres (Useable): _____
 Proposed Acres (Useable): _____

4. Financial Hardship Request—Must Have Pre-Approval by QPSC

5. New Construction Additional Grant Request—New Construction Only

- a. Therapy: _____
 Toilets (sq. ft.) _____
 Other (sq. ft.) _____
- b. Multilevel Construction (CRS): _____
- c. Project Assistance
- d. Site Acquisition:
 Leased Site
 Additional Acreage to Existing Site
 Addition to Existing Site
- (1) 50 percent Actual Cost: \$ _____
 (2) 50 percent Appraised Value: \$ _____
 (3) 50 percent Relocation Cost: \$ _____
 (4) 2 percent (min. \$25,000): \$ _____
 (5) 50 percent DTSC Fee: \$ _____
- e. 50 percent hazardous waste removal: \$ _____
 Response Action (RA)
- f. Site Development
 50 percent Service-Site: \$ _____
 50 percent Off-Site: \$ _____
 50 percent Utilities: \$ _____
- g. Facility Hardship Section 1859.82(a) or (b)
 Toilet (sq. ft.): _____
 Other (sq. ft.): _____
- h. Replacement area
 Toilet (sq. ft.): _____
 Other (sq. ft.): _____
- i. Energy Efficiency: _____ %

6. Modernization Additional Grant Request—Modernization Only

- a. Project Assistance
- b. Energy Efficiency: _____ %
- c. Site Development—60 percent utilities: \$ _____

7. Excessive Cost Hardship Request

- New Construction Only**
- Geographic Percent Factor: _____ %
 New School Project
 Small Size Project
 Urban/Security/Impacted Site;
 If a new site, \$ _____ per Useable Acre [Section 1859.83(d)(2)(C)]

7. Excessive Cost Hardship Request—continued

Modernization Only

- Rehabilitation/Mitigation [Section 1859.83(e)]: \$ _____
- Geographic Percent Factor: _____ %
- Handicapped Access/Fire Code (3 percent)
- Number of 2-Stop Elevators: _____
- Number of Additional Stops: _____
- Small Size Project
- Urban/Security/Impacted site

8. Project Priority Funding Order—New Construction Only

Priority order of this application in relation to other new construction applications submitted by the district at the same time: # _____

- Project meets:
- Density requirement pursuant to Section 1859.92(c)(3).
 - Stock plans requirement pursuant to Section 1859.92(c)(4).
 - Energy efficiency requirement pursuant to Section 1859.92(c)(6).

9. Prior Approval Under the LPP

New Construction: 22/ _____
 Modernization: 77/ _____

10. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____
 Design—Modernization: 57/ _____

11. Preliminary Apportionment to Final Apportionment

- a. Preliminary Apportionment Application Number: # _____
- b. Preliminary Charter School Apportionment Application Number: # _____

12. Alternative Developer Fee—New Construction Only

Alternative developer fee collected and reportable pursuant to Regulation Section 1859.77: \$ _____

13. Adjustment to Baseline Eligibility—New Construction Only

- a. Additional Classroom(s) provided:
 - K-6: _____
 - 7-8: _____
 - 9-12: _____
 - Non-Severe: _____
 - Severe: _____
- b. Operational Grant (HSA) only:
 - K-6: _____
 - 7-8: _____
 - 9-12: _____
 - Non-Severe: _____
 - Severe: _____

14. Pending Reorganization Election—New Construction Only Yes No

15. Joint-Use Facility/Leased Property

- a. Joint-Use Facility
- b. Leased Property

16. Architect of Record or Licensed Architect Certification

I certify as the architect of record for the project or as a licensed architect that:

- The P&S for this project were submitted to the OPSC by electronic medium (i.e., CD-ROM, zip disk or diskette) or as an alternative, if the request is for a modernization Grant, the P&S were submitted in hard copy to the OPSC.
- Any portion of the P&S requiring review and approval by the Division of the State Architect (DSA) were approved by the DSA on _____ (enter DSA approval date). (If the P&S were not approved by the DSA enter N/A.)
- Any portion of the P&S not requiring review and approval by the DSA meets the requirements of the California Code of Regulations, Title 24, including any handicapped access and fire code requirements.
- If the request is for a Modernization Grant, the P&S include the demolition of more classrooms than those to be constructed in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)
- If the request is for a Modernization Grant, the P&S include the construction of more classrooms than those to be demolished in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)

 ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

 SIGNATURE DATE

17. Architect of Record or Design Professional Certification

I certify as the architect of record for the project or the appropriate design professional, that:

- If the request is for a New Construction Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.

 ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

 SIGNATURE DATE

18. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 16 and 17, is true and correct and that:

I am an authorized representative of the district as authorized by the governing board of the district; and,

- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,

- The district has established a “Restricted Maintenance Account” for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- The district will comply with all laws pertaining to the construction or modernization of its school building; and,
- ~~Facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds~~If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
 - 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
 - 2. It has provided acceptable documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a “Use of New Construction Grant” request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district’s approved housing plan is as indicated (check all that apply):
 - 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - 2. The district will utilize higher district loading standards providing the loading standards are within the approved district’s teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and
- If this request is for a Large New Construction Project or a Large Modernization Project, the district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and it has considered the need for vocational and career technical facilities to adequately meet its program needs in accordance with Education Code Sections 51224, 51225.3(b) and 52336.1; and
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district.

| | |
|--------------------------------------|------|
| SIGNATURE OF DISTRICT REPRESENTATIVE | DATE |
|--------------------------------------|------|

STATE ALLOCATION BOARD
IMPLEMENTATION COMMITTEE
April 1, 2004

SCHOOL FACILITY PROGRAM MODERNIZATION

BACKGROUND

The School Facility Program (SFP) currently provides modernization funding for permanent school buildings that are more than 25 years old or portable classrooms that are at least 20 years, as long as the facility has not been previously modernized with State funds. With the passage of Assembly Bill (AB) 1244, Chapter 572, Statutes 2003 and Senate Bill (SB) 15, Chapter 587, Statutes of 2003, school facilities will be eligible to receive an additional apportionment for the modernization of permanent school buildings every 25 years, or portable classrooms every 20 years, after the date of the previous State apportionment. Additionally, the bills specify the manner in which the modernization funds will be applied to portable classrooms that are eligible for a second modernization.

DISCUSSION

The passage of AB 1244 and SB 15 necessitates modifications to the SFP Regulations to allow school districts to become eligible to receive additional modernization funding. The amendments would clarify either the age of a classroom or the school building square footage for the purposes of determining modernization eligibility. Furthermore, this proposal clarifies the adjustments to the SFP gross classroom inventory for permanent classrooms leased for less than five years.

For purposes of discussion, staff has prepared the following:

- √ A summary of the proposed regulatory changes as shown on Attachment A.
- √ Proposed regulatory changes as shown on Attachment B.
- √ Draft form changes as shown on Attachment C.
- √ A sample illustration as shown on Attachment D.
- √ A copy of the law text as shown on Attachment E.

Accommodation of Previous Lease-Purchase Program (LPP) Projects

Currently, a district cannot revise its SFP modernization eligibility option after submitting a funding application. Previous LPP projects could have included the modernization of other school buildings, such as a multi-purpose room, gym, or library. Provisions must be made for calculating modernization eligibility adjustments for those districts that established SFP eligibility under Option A of the *Eligibility Determination* (Form SAB 50-03), which is based on the number of eligible classrooms at a school site and excludes other school buildings. When districts apply for a second modernization of the support facilities after it also modernized its classrooms under the SFP, it would be necessary for districts to use Option B, based on square footage, for the purposes of calculating modernization eligibility adjustments. Staff's proposal accommodates this scenario.

(Continued on the Next Page)

Portable Classrooms

Certification

The law requires a school district to use the second modernization funds to replace the portable classroom, and certify that the existing eligible portable classroom will be removed from any classroom use. Staff recommends this certification be incorporated with the certifications specified on the *Application for Funding* (Form SAB 50-04). The certification would specify that portable classrooms will be removed within six months of the filing of the Notice of Completion for the project.

Documentation Options

The law includes accommodations for the second modernization of the portable if the district can document that modernizing the portable classroom is a better use of public resources.

Option A - The school board discuss in a public forum at a regularly scheduled meeting the cost benefit analysis and merits of whether modernizing the portable classroom is a better use of public resources. If the school board approves the second modernization, a copy of the minutes must be included with the Form SAB 50-04.

Option B - The school board discuss in a public forum at a regularly scheduled meeting the cost benefit analysis and merits of whether modernizing the portable classroom is a better use of public resources. If the school board approves the second modernization, the district representative indicates appropriately on the certifications specified on the Form SAB 50-04. A copy of the minutes could be requested at the project audit closeout.

Option C - The district submits a cost benefit analysis including data on the expectancy of the building's utilization prepared and signed by a licensed design professional for review by the OPSC Plan Verification Team and presented for before the State Allocation Board (SAB) for approval.

RECOMMENDATION

Finalize the discussions and proceed with the regulatory changes for presentation to the SAB.

Attachment A

Summary of Second Round Modernization SAB Implementation Committee, April 1, 2004

| Section | Current Practice | Proposed Change | Justification for Change |
|---|--|--|--|
| Calculation to Determine Modernization Baseline Eligibility Reg Section 1859.60(a) | Eligibility determination may be made by identifying all classrooms on a site that is at least 25/20 years old (permanent/portable) and not previously modernized with State funds. | Would <i>permit</i> classrooms <i>previously modernized with State funds to be eligible</i> for modernization funding. | Required by legislation - SB 15 and AB 1244 |
| Calculation to Determine Modernization Baseline Eligibility Reg Section 1859.60(b) | Eligibility determination may be made by identifying all square footage on a site that is at least 25/20 years old (permanent/portable) and not previously modernized with State funds. | Would <i>permit</i> all square footage at the school site <i>previously modernized with State funds to be eligible</i> for modernization funding. | Required by legislation - SB 15 and AB 1244 |
| Calculation to Determine Modernization Baseline Eligibility Reg Section 1859.60 | N/A | The age of the classroom or square footage shall commence 12 months after the plans for the building were approved by the DSA; or in the case permanent or portable classrooms were previously modernized with State funds, the 25/20 year period <i>shall begin on the date of its previous modernization apportionment.</i> | Defines the specific time used to determine the start of the 25/20 year timeframe for either classrooms or square footage at a site. |
| Adjustment to the Modernization Baseline Eligibility Reg Section 1859.61(i) | N/A | <i>Increases the modernization baseline for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8.</i> | Required by legislation - SB 15 and AB 1244 |
| Modernization Grant for 50 year or Older Permanent Buildings Reg Section 1859.78.6 | For the purposes of determining the age of the building, the 25/20 year and the 50 year period shall begin 12 months after the original plans for the construction of the building were approved by the DSA. | For the purposes of determining the age of the building, the 25/20 year and the 50 year period shall begin 12 months after the original plans for the construction of the building were approved by the DSA <i>or in the case of permanent or portable classrooms previously modernized with State funds, the 25/20 year period shall begin on the date of its previous modernization apportionment.</i> | Required by legislation - SB 15 and AB 1244 |

| Section | Current Practice | Proposed Change | Justification for Change |
|--|---|---|--|
| Modernization Grant for Facilities Previously Modernized with State Funds Reg Section 1859.78.8 | N/A | Provides an <i>additional apportionment for school facilities previously modernized with State funds</i> as provided by Education Code 17074.10(a) and Section 1859.78.3. | Required by legislation - SB 15 and AB 1244 |
| Use of Modernization Grant Funds Reg Section 1859.79.2 | Modernization Grant funds shall be expended as set forth in Education Code 17074.25 and may also be utilized for other purposes as set forth in Education Code 100420(c). | N/A | Deletes this line duplicated in the opening paragraph of the same section. |
| Use of Modernization Grant Funds Reg Section 1859.79.2 | N/A | Language expanded in the regulations to state that Modernization Grant funds may be used on any school facilities on the site, <i>with the exception of portable classroom facilities eligible for an additional apportionment pursuant to Education Code Sections 17073.15 and 17074.10(f) and as defined in Section 1859.78.8.</i> | Required by legislation - SB 15 and AB 1244 |
| Other Issue | | | |
| Adjustments to Gross Classroom Inventory Reg Section 1859.32(k) | After the gross classroom inventory has been prepared pursuant to Section 1859.31, it will be reduced by any classroom that is a permanent space and leased for less than five years. | After the gross classroom inventory has been prepared pursuant to Section 1859.31, it will be reduced by any classroom that is a permanent space and leased <i>for a cumulative duration of five years or less.</i> | Reflects the original intent of this exclusion. Clarifies the regulations. Multiple one year leases to reduce the district's classroom capacity is not permitted. This will not effect districts that plan to remove leased portables within the five years. |
| Adjustments to the New Construction Baseline Eligibility Reg Section 1859.51(i)(5) | N/A | The baseline eligibility for new construction determined on the form SAB 50-03 will be reduced by the number of pupils housed, based on loading standards pursuant to Ed. Code Section 17071.25(a)(2)(A), in any classroom provided after the baseline eligibility was determined by the Board. There is an exception for those pupils housed or to be housed in a classroom <i>where the classroom was leased for a cumulative duration of five years or less.</i> | Same as above |

Attachment B

Amend Section 1859.2. Definitions.

...

“Approved Application(s)” means a district has submitted the application and all documents to the Office of Public School Construction that are required to be submitted with the application as identified in the General Information Section of Forms SAB 50-01, *Enrollment Certification/Projection*, (Revised 01/03); SAB 50-02, *Existing School Building Capacity*, (Revised 09/02); SAB 50-03, *Eligibility Determination*, (Revised 04/034); and SAB 50-04, *Application for Funding*, (Revised 04/034), as appropriate, and the Office of Public School Construction has completed and accepted a preliminary approval review pursuant to Education Code Section 17072.25(a).

...

“Form SAB 50-04” means the *Application For Funding*, Form SAB 50-04 (Revised 04/034), which is incorporated by reference.

...

“Modernization Grant” means the funding provided pursuant to Education Code Section 17074.10(a) and Sections 1859.78, 1859.78.3, and 1859.78.6, and 1859.78.8

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17280, and 56026, Education Code. Section 53311, Government Code.

Amend Section 1859.32. Adjustments to Gross Classroom Inventory.

After the gross classroom inventory has been prepared pursuant to Section 1859.31, it will be reduced by the following. Any classrooms:

- (a) abandoned and approved for replacement as a hardship under the provisions of the LPP;
- (b) at a school operated on a year-round schedule that has been used continuously for at least 50 percent of the time for preschool programs in the five years preceding the receipt of the application for determination of eligibility;
- (c) included in any new construction LPP project that has not received a Phase C apportionment;
- (d) that is portable and owned or leased by the district for 20 years or more that was approved for abandonment in a LPP project and the plans for the project had DSA approval prior to November 4, 1998;
- (e) that is a trailer and is transported/towed on its own wheels and axles;
- (f) used exclusively for regional occupational centers, regional occupational programs, child care, preschool and/or Adult Education Programs, and was built or acquired with funds specifically available for those purposes;
- (g) of less than 700 interior square feet;
- (h) originally built for instructional use, but converted to one of the following:
 - (1) used continuously for school administration for at least five years prior to the submittal of the application to the OPSC for determination of eligibility.
 - (2) used continuously for central or main district administration for at least five years prior to the submittal of the application to the OPSC for determination of eligibility.
 - (3) used for school library purposes during the previous school year.
- (i) owned but leased to another district.
- (j) any portable classroom excluded by Education Code Section 17071.30
- (k) that is permanent space and leased for less than five years for a cumulative duration of five years or less.
- (l) any permanent classroom contained in a project for which the construction contract was signed between August 27, 1998 and November 18, 1998 and for which the district did not have full project eligibility under the LPP.
- (m) that was acquired with joint-use funds specifically available for that purpose.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17071.25, 17071.30 and 17077.40, Education Code.

Amend Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03, will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.160.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in a new construction LPP project funded under the provisions of the LPP pursuant to Sections 1859.12 or 1859.13.
- (c) Reduced by the number of pupils housed in additional classrooms constructed or purchased based on the loading standards, pursuant to Education Code Section 17071.25(a)(2)(A), in a modernization SFP project.
- (d) Adjusted as a result of the audit findings made pursuant to Sections 1859.90 and 1859.105.
- (e) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years for all districts except decreases as provided in (j) below.
- (f) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (g) Adjusted as a result of amendments to these Regulations that affect the eligibility.
- (h) Increased by the number of pupils eligible for grants pursuant to Section 1859.82 (a).
- (i) Reduced by the number of pupils housed, based on loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in any classroom provided after the baseline eligibility was determined by the Board with the exception of those pupils housed or to be housed in a classroom:
 - (1) That is a trailer and transportable/towed on its own wheels and axles.
 - (2) Of less than 700 interior square feet.
 - (3) Excluded pursuant to Education Code Section 17071.30(a).
 - (4) Where the contract for the lease, lease-purchase, purchase, or construction of the classroom was made prior to January 1, 2000
 - (5) Where the classroom was leased for a cumulative duration of five years or less.
 - (6) Where the contract for the lease, lease-purchase, purchase, or construction was made no more than 180 days before the Approved Application date for funding of the classrooms included in the contract.
 - (7) That is included in a SFP project where the district has funded a portion of the project beyond its required district contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
 - (8) That was acquired with joint-use funds specifically available for that purpose.
- (j) For small school districts, decreased:
 - (1) By any reduction in projected enrollment beginning in the enrollment-reporting year that follows a three year period beginning when the district's baseline eligibility was determined by the Board. The reduction shall be determined by any decrease between the current projected enrollment and the projected enrollment used when the district's baseline eligibility was determined by the Board pursuant to Section 1859.50 or adjusted by a subsequent operational grant report after that date.
 - (2) By any increase in the number of pupils included in the latest operational grant report made by the CDE pursuant to Education Code Section 42268 beginning three years after the district's baseline eligibility was determined by the Board pursuant to Section 1859.50. The reduction in eligibility shall be determined by the number of pupils included in the latest operational grant report that exceed the number of pupils included in the operational grant report in effect when the district's baseline eligibility was determined by the Board pursuant to Section 1859.50 or adjusted by a subsequent operational grant report after that date.
- (k) Adjusted for any change in classroom inventory as a result of a reorganization election.
- (j) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (m) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (n) Increased by the number of pupils that received a Preliminary Apportionment that was rescinded pursuant to Section 1859.148 or a Preliminary Charter School Apportionment that was rescinded pursuant to Section 1859.166.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20 and 17077.40, Education Code.

Article 7. Modernization Eligibility Determination

Amend Section 1859.60. Calculation to Determine Modernization Baseline Eligibility.

The district shall calculate its modernization eligibility for each school site with the ~~by~~ completion of the Form SAB 50-03. The eligibility determination may be made by either identifying all classrooms on the site pursuant to (a) or by the identification of all square footage on the site pursuant to (b), as follows:

- (a) Identify all classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 that are:
 - (1) Permanent and at least 25 years old ~~and not previously modernized with State funds.~~
 - (2) Portable and at least 20 years old ~~and not previously modernized with State funds.~~
 - (3) The remaining classrooms not reported in (1) or (2) above.
- (b) Identify all square footage at the school site that is:
 - (1) Permanent area and at least 25 years old ~~and not previously modernized with State funds.~~
 - (2) Portable classroom area and at least 20 years old ~~and not previously modernized with State funds.~~
 - (3) The remaining square footage on the site not reported in (1) or (2) above.

~~The age of the classroom or square footage shall be based on the date the district submitted the application for an eligibility determination to the OPSC. begin 12 months after the plans for the building were approved by the DSA; or in the case permanent or portable classrooms were previously modernized with State funds, the 25/20 year period shall begin on the date of its previous modernization apportionment.~~ For the purpose of identifying square footage at a school site, include the total enclosed exterior square footage of the school buildings. For multilevel buildings, include the square footage at each level.

Enrollment at the school shall be the latest CBEDS report for K-6, 7-8 and 9-12 pupils. If the school is closed at the time of application for eligibility determination for modernization, and the district intends to reopen it and use it as a school for at least the next five years, the enrollment may be estimated based on district demographic data.

The calculated eligibility determined on the Form SAB 50-03, shall be referred to as the modernization baseline eligibility for the specific school site.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17073.15, 17073.20 and 17074.10, Education Code.

Amend Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

The baseline eligibility for modernization as provided in Section 1859.60 for a specific site will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a modernization SFP project at the specific site.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections and 1859.90 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.51, 17071.25, 17072.15, and 17072.20, 17073.15, and 17074.10 Education Code.

Adopt Section 1859.78.8. Modernization Grant for Facilities Previously Modernized with State Funds.

The Board shall provide an additional apportionment provided by Education Code 17074.10(a) and Section 1859.78.3, for facilities previously modernized with State funds as follows:

- (a) An additional apportionment will be provided for the modernization of a permanent school building every 25 years following the date of its previous State modernization apportionment.
- (b) In the case of portable classrooms, an additional apportionment will be permitted every 20 years after the date of its previous state modernization apportionment provided all of the following are met:
 - (1) Modernization funding provided for the portable classrooms shall be restricted to the replacement of the portable classrooms.
 - (2) The school district must certify that the portable classrooms will be removed from any classroom use unless acceptable documentation is provided by the district indicating that the modernization of the portable classrooms is a better use of public resources.

The capacity and eligibility of the school district will not be adjusted for the replacement of the portable classroom pursuant to Education Section 17074.10(f) and 17073.15.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17074.10, and 17073.15 Education Code.

Amend Section 1859.79.2. Use of Modernization Grant Funds.

The Modernization Grant plus any other funds provided by these Regulations shall be expended as set forth in Education Code Sections 17074.25, 17074.10(f) and 17070.15(f) and may also be utilized for other purposes as set forth in Education Code Section 100420(c). Modernization funding may also be used for the costs incurred by the district directly or through a contract with a third party provider for the initiation and enforcement of a LCP. Modernization funding, with the exception of savings, is limited to expenditure on the specific site where the modernization grant eligibility was generated. The grant may not be used for the following:

- (a) New building area with the exception of the following:
 - (1) Replacement building area of like kind. Additional classrooms constructed within the replacement area will reduce the new construction baseline eligibility for the district.
 - (2) Building area required by the federal American with Disabilities Act (ADA) or by the Division of the State Architect's (DSA) handicapped access requirements.
- (b) New site development items with the exception of:
 - (1) Replacement, repair or additions to existing site development.
 - (2) Site development items required by the federal ADA Act or by the DSA's handicapped access requirements.
- (c) the evaluation and removal of hazardous or solid waste and/or hazardous substances when the Department of Toxic Substance Control has determined that the site contains dangerous levels of a hazardous substance, hazardous waste, or both that exceed ten percent of the combined adjusted grant and the district matching share for the project.
- (d) Leased facilities not owned by another district or a county superintendent.

~~Modernization Grant funds shall be expended as set forth in Education Code Section 17074.25 and may also be utilized for other purposes as set forth in Education Code Section 100420(c).~~

Modernization Grant funds may be used on any school facilities on the site, with the exception of portable classroom facilities eligible for an additional apportionment pursuant to Education Code Sections 17073.15 and 17074.10(f) and as defined in Section 1859.78.8. If the classroom facilities on the site include areas that are currently ineligible for modernization, it will not disqualify those facilities from future modernization funding.

Note: Authority cited: Section 17070.35, Education Code.

Amend Section 1859.78.6. Modernization Grant for 50 Year or Older Permanent Buildings.

- (a) In lieu of the funding provided by Subdivision (a) of Education Code Section 17074.10 and Section 1859.78.3, the Board shall provide the amounts shown below for each pupil housed in permanent school buildings that are 50 years or older as follows:
- (1) \$3,120 for each elementary pupil.
 - (2) \$3,300 for each middle school pupil.
 - (3) \$4,320 for each high school pupil.
 - (4) \$9,944 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
 - (5) \$6,650 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (b) If the application includes the modernization of permanent buildings both over and under 50 years old, the number of pupils housed in 50 years or older permanent buildings, for purposes of (a) above, shall be determined by either of the following, at the district's option:
- (1) A percentage of permanent classrooms in the application that are 50 years or older to the total classrooms in the application determined as follows:
 - (A) Calculate the total number of classroom(s) to be modernized as part of the project that were included in the Gross Classroom Inventory pursuant to Section 1859.31 and were not previously modernized under the LPP, the SFP or with Proposition 1A funds.
 - (B) Calculate the total number of permanent classrooms to be modernized as part of the project that are at least 50 years old.
 - (C) Divide the classrooms calculated in (b)(1)(B) by the total classrooms calculated in (b)(1)(A). Round up to the nearest one tenth of one percent.
 - (D) Multiply the percentage determined in (b)(1)(C) by the number of pupils assigned to the project on Form SAB 50-04, for each grade group. Round up.
 - (2) A percentage of the permanent building area Square Footage in the application that is 50 years or older to the total Square Footage in the application determined as follows:
 - (A) Calculate the total Square Footage building area to be modernized as part of the project that was included in the Gross Classroom Inventory pursuant to Section 1859.31 and was not previously modernized under the LPP, the SFP or with Proposition 1A funds.
 - (B) Calculate the total permanent Square Footage of building area to be modernized as apart of the project that is at least 50 years old.
 - (C) Divide the Square Footage of building area calculated in (b)(2)(B) by the total Square Footage of building area calculated in (b)(2)(A). Round up to the nearest one tenth of one percent.
 - (D) Multiply the percentage determined in (b)(2)(C) by the number of pupils assigned to the project on Form SAB 50-04, for each grade group. Round up.

The amounts shown shall be adjusted annually in the manner prescribed in Section 1859.78. The grant is eligible for any modernization grant augmentation for which the project is otherwise eligible under the law and regulations.

For purposes of determining the age of the building, the 20 year, 25 year and the 50 year period shall begin 12 months after the original plans for the construction of the building were approved by the DSA or in the case of permanent or portable classrooms previously modernized with State funds, the 25/20 year period shall begin on the date of its previous modernization apportionment.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17074.26, Education Code.

Attachment C

Please refer to Forms SAB 50-03 and 50-04 emailed separately in PDF format.

Attachment D

SAMPLE SECOND ROUND MODERNIZATION PROJECTS

Example #1

Middle America Elementary

Permanent
Built 1970
14 CR

Permanent
Built 1955
10 CR

Permanent
Built 1960
7 CR

Baseline - 1000 pupils

| Application | Pupils Requested | Project Apportionment |
|-------------|------------------|-----------------------|
| #1 | -250 | 1998 |
| #2 | -175 | 1999 |
| #3 | -350 | 2000 |

| Application | Pupils Returned | Year Reinstated |
|-------------|-----------------|-----------------|
| #1 | +250 | 2023 |
| #2 | +175 | 2024 |
| #3 | +350 | 2025 |

Example #2

Central California Elementary

Permanent
Built 1965
6 CR

Permanent
Built 1980
3 CR

Permanent
Built 1955
SQ. FT.

Portable
Built 1985
1 CR

Baseline - 250 pupils

| Application | Pupils Requested | Project Apportionment |
|-------------|------------------|-----------------------|
| #1 | LPP | 1985 |
| #2 | -150 | 2000 |
| #3 | -75 | 2002 |
| #4 | -25 | 2003 |

| Application | Pupils Returned | Year Reinstated |
|-------------|-----------------|-----------------|
| #1 | X | 2010 |
| #2 | +150 | 2025 |
| #3 | +75 | 2027 |
| #4 | +25 | 2023 |

Attachment E

Assembly Bill No. 1244

CHAPTER 572

An act to amend Sections 17073.15, 17073.20, and 17074.10 of the Education Code, relating to school facilities.

[Approved by Governor September 28, 2003. Filed
with Secretary of State September 29, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1244, Chu. School facilities funding: modernization.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

Existing law makes eligible for state funding a permanent school building that is more than 25 years old, or a portable classroom that is at least 20 years old, and that prior to November 4, 1998, had not been previously modernized with state funding.

This bill would delete the eligibility requirement that a school building not have been previously modernized with state funding and would allow an additional apportionment to be made for the modernization of permanent school buildings every 25 years following the date of the previous apportionment and, in the case of portable classrooms, every 20 years after the date of the previous apportionment. The bill would require the board to require a school district to use the modernization funds it receives for a portable classroom that is eligible for a second modernization to replace the portable classroom and to certify that the existing eligible portable classroom will be removed from any classroom use unless the district is able to document that modernizing the portable classroom is a better use of public resources. The bill would prohibit the capacity and eligibility of the school district from being adjusted for replacing the portable classroom.

The people of the State of California do enact as follows:

SECTION 1. Section 17073.15 of the Education Code is amended to read:

17073.15. A school district is eligible to receive an apportionment for the modernization of a permanent school building that is more than 25 years old or a portable classroom that is at least 20 years old. A school

district is eligible to receive an additional apportionment for the modernization of a permanent school building every 25 years after the date of the previous apportionment or a portable classroom every 20 years after the date of the previous apportionment.

SEC. 2. Section 17073.20 of the Education Code is amended to read:

17073.20. Funding may be approved for the modernization of any permanent school building that is more than 25 years old, or, any portable classroom that is more than 20 years old, as described in Section 17071.30.

SEC. 3. Section 17074.10 of the Education Code is amended to read:

17074.10. (a) The board shall determine the total funding eligibility of a school district for modernization funding by multiplying the following amounts by each pupil of that grade level housed in permanent school buildings that satisfy the requirements of Section 17073.15:

(1) Two thousand two hundred forty-six dollars (\$2,246) for each elementary pupil.

(2) Two thousand three hundred seventy-six dollars (\$2,376) for each middle school pupil.

(3) Three thousand one hundred ten dollars (\$3,110) for each high school pupil.

(b) The board shall annually adjust the factors set forth in subdivision (a) according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the board.

(c) The board may adopt regulations to be effective until July 1, 2000, that adjust the amounts identified in this section for qualifying individuals with exceptional needs, as defined in Section 56026. The regulations shall be amended after July 1, 2000, in consideration of the recommendations provided pursuant to Section 17072.15.

(d) It is the intent of the Legislature that the amounts provided pursuant to this article for school modernization not include funding for administrative and overhead costs.

(e) For a school district having an enrollment of 2,500 or less for the prior fiscal year, the board may approve a supplemental apportionment of up to two thousand five hundred dollars (\$2,500) for any modernization project assistance. The amount of the supplemental apportionment shall be adjusted in 2001 and every year thereafter by an amount equal to the percentage adjustment for class B construction.

(f) For a portable classroom that is eligible for a second modernization, the board shall require the school district to use the modernization funds to replace the portable classroom and to certify that

the existing eligible portable classroom will be removed from any classroom use unless a district is able to document that modernizing the portable classroom is a better use of public resources. The capacity and eligibility of the school district may not be adjusted for replacing a portable classroom pursuant to this subdivision and Section 17073.15.

Note: SB 15, Chapter 587, Statutes of 2003, Section 1, 2 and 3 read the same as above in AB 1244.